

REMARKS

INTERVIEW SUMMARY

Applicant's undersigned attorney gratefully acknowledges the courtesy extended by the Examiner in conducting a telephone interview. The Examiner's Interview summary is accepted as accurate.

During the interview, the Examiner reiterated his position that a "statistical model" may be interpreted during examination to encompass structures as simple as a numeric database, apparently on the theory that statistics may be derived from such a database, making it "statistical". While applicant does not agree with this interpretation, a potential resolution was discussed, that is, including language in the claims which assure that the implication of probability theory is considered intrinsic, if this is applicant's intent. Page 28, lines 3-11, as well as other portions of the specification, support the concept of "risk", which both applicant and examiner agree invoke concepts not addressed in the cited references. Applicant therefore proposed to amend the claims to assure interpretation in accordance with applicant's arguments, which the Examiner agreed would at least avoid a first-action final rejection, and possibly result in allowance of the claims, pending further consideration and search.

DISCUSSION

The claims are rejected under 35 USC § 112, first paragraph, as containing subject matter not described in the specification.

Claims 29, 44, 49, 51, 62, and 67 are amended, without prejudice or disclaimer, to more closely conform to the language of the specification. This language is derived from at least page 28 of the application. It is therefore respectfully submitted that these amendments do not include new matter into the application, and are fully supported by the specification.

Claims 29-73 are rejected as being obvious over Shepley in view of Balintfy, and/or Williams III, Ecer, MacGregor under 35 U.S.C. § 103.

The present claims are believed to invoke concepts which are neither taught nor suggested in the cited references, and therefore the rejections are believed to be overcome.

Respectfully submitted,



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